

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

STARDOCK SYSTEMS, INC.,

Plaintiff,

vs.

PAUL REICHE III and ROBERT  
FREDERICK FORD,

Defendants.

AND RELATED COUNTERCLAIM.

Case No: C 17-07025 SBA

**ORDER RE PLAINTIFF'S MOTION  
FOR TEMPORARY RESTRAINING  
ORDER AND/OR PRELIMINARY  
INJUNCTION**

On September 7, 2018, Plaintiff Stardock Systems, Inc. ("Plaintiff") filed a Motion for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Be Granted. Dkt. 56. Plaintiff seeks an order enjoining Defendants Paul Reiche III and Robert Frederick Ford ("Defendants") from submitting any Digital Millennium Copyright Act ("DMCA") notice(s) directed to material that is the subject of the present litigation, and in particular, the *Star Control: Origins* video game ("*Origins*") that is scheduled to be released on September 20, 2018.

Given the timing of the motion and the scheduled release of *Origins*, the Court is inclined to adjudicate Plaintiff's motion as one for preliminary injunction. See Stuhlbarg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001) (the same legal standard applies to an application for a temporary restraining order and a motion for a preliminary injunction). Accordingly,

1 IT IS HEREBY ORDERED THAT:

2 1. Plaintiff and Defendants shall meet and confer for the purpose of agreeing  
3 upon: (a) interim relief precluding the filing of any further DMCA notices pending  
4 resolution of the motion for preliminary injunction; and (b) a briefing schedule for the  
5 motion for preliminary injunction. Upon reaching such an agreement, the parties shall file  
6 a stipulation and proposed order for the Court's approval.

7 2. In the event that the parties are unable to reach such an agreement,  
8 Defendants' opposition to the motion for preliminary injunction is due tomorrow,  
9 September 11, 2018, and Plaintiff's reply in support of the motion is due Wednesday,  
10 September 12, 2018.

11 IT IS SO ORDERED.

12 Dated: 09/10/2018

  
SAUNDRA BROWN ARMSTRONG  
Senior United States District Judge